

MT LEGISLATIVE HISTORY

Chapter 531 19 75

Bill H 443 S _____

Original bill & hist. ☒ C

H. Committee on Lab. & Emp. Rel.

S. Committee on Lab. & Emp. Rel.

Hearing Date(s) 2/6 _____ C

Hearing Date(s) 2/25 _____ C

2/14 _____ C

3/14 _____ C

2/19 _____ C

3/19 _____ C

_____ C

_____ C

Date Out _____ C

_____ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

HOUSE BILL NO. 443

INTRODUCED BY KIMBLE, MULAR, LUEBECK, BRAND, GILLIGAN,

JOHNSON

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 41-701, R.C.M. 1947; PROVIDING FOR PROCEDURES FOR COMPLIANCE WITH SECTION 41-701, PROVIDING PROCEDURES TO INSURE PAYMENT OF STANDARD PREVAILING RATES OF WAGES UNDER PUBLIC WORKS CONTRACTS; PROVIDING FOR PUBLIC POSTING OF A STATEMENT OF WAGES; AND PROVIDING PENALTIES FOR NONPAYMENT."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-701, R.C.M. 1947, is amended to read as follows:

"41-701. Preference of Montana labor in public works--wage scale--not to conflict with federal statutes. In all contracts hereafter let for state, county, municipal, school, heavy highway or municipal construction, services, repair and maintenance work or private construction undertaken in any way with public funds under any of the laws of this state there shall be inserted in each of said contracts a provision by which the contractor must give preference to the employment of bona fide Montana residents in the performance of said work, and that the said contractor must further pay the standard prevailing rate of

pension contributions, and travel allowance provisions in effect and applicable to the county or locality in which the work is being performed. "Standard prevailing rate of wages including fringe benefits for health and welfare and pension contributions, and travel allowance provisions, applicable to the county or locality in which the work is being performed," means those wages including fringe benefits for health and welfare and pension contributions, and travel allowance provisions which are paid in the county or locality by other contractors for work of a similar character performed in that county or locality by each craft, classification or type of workman needed to complete a contract under this act. When work of a similar character is not being performed in the county or locality, the standard prevailing rate of wages including fringe benefits for health and welfare and pension contributions, and travel allowance provisions shall be those rates established by collective bargaining agreements in effect in the county or locality for each craft, classification or type of workman needed to complete the contract. No contract shall be let to any person, firm, association or corporation refusing to execute an agreement with the above-mentioned provisions in it; provided that, in contracts involving the expenditure of federal aid funds this act shall not be enforced in such a manner as to conflict with or be contrary to the federal

statutes prescribing a labor preference to honorably discharged soldiers, sailors and marines, and prohibiting as unlawful any other preference or discrimination among citizens of the United States. All public works contracts under this act shall be approved in writing by the legal adviser of the contracting state, county, municipal corporation, school district, assessment district or special improvement district body or officer prior to execution by the contracting public officer or officers. ~~The Montana commissioner of labor and industry shall undertake to keep and maintain copies of collective bargaining agreements and other information from which rates and jurisdictional areas applicable to public works contracts under this act may be ascertained.~~ Whenever the employer is not signatory party to a collective bargaining agreement, those moneys designated as negotiated fringe benefits shall be paid to the employee as wages.

(1) The Montana commissioner of labor may determine the standard prevailing rate of wages in the county or locality in which the contract is to be performed. The commissioner shall undertake to keep and maintain copies of collective bargaining agreements and other information from which rates and jurisdictional areas applicable to public works contracts under this act may be ascertained.

(2) Contractors, subcontractors, and employers who are

performing work or providing services under public works contracts as provided in this act shall post in a prominent and accessible site on the project or work area, not later than the first day of work, a legible statement of all wages to be paid to the employees employed on such site or work area.

(3) Any contractor, subcontractor or employer who shall pay his workmen or employees at less than the standard prevailing wage as established under the public works contract shall forfeit to the contracting agency the sum of twenty-five dollars (\$25) a day for each workman so underpaid. Whenever it shall appear to the contracting agency or to the Montana commissioner of labor that there are insufficient monies due to the contractor or the employer under the terms of the contract to cover such penalties, the Montana commissioner of labor may within ninety (90) days after the filing of notice of completion of the project and its acceptance by the contracting agency, maintain an action in district court to recover all such penalties and forfeitures due. Nothing in this section shall prevent the individual workman who has been underpaid from maintaining an action for recovery of the wages due him under the contract as provided in chapter 13 of this Title."

-End-

COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE COM- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT COM- CURRED IN DATE
HB 418	2/15/75	2/28, 3/5	3/5/75					3/5/75	
HB 427	2/24/75	3/14, 3/19	3/19/75						3/19/75
HB 423	2/15/75	2/21/75		Held in Committee					
HB 443	2/25/75	3/14, 3/19	3/19/75					3/19/75	
HB 444	2/24/75	3/14, 3/19	3/19/75						3/19/75
HB 450	3/4/75	3/12, ^{3/14} 3/19	3/19/75				3/19/75		
HB 451	2/25/75	3/7, 3/12	3/12/75					3/12/75	
HB 452	2/25/75	3/7, 3/12	3/12/75					3/12/75	
HB 457	2/25/75	3/5/75	3/5/75				3/5/75		
HB 458	2/26/75	3/12/75	3/12/75				3/12/75		
HB 461	3/4/75	2/20, ^{3/21} 3/24	3/24/75					3/24/75	
HB 481	2/25/75	3/7, ^{3/11} 3/14	3/14/75					3/14/75	
HB 482	2/14/75	2/21, 2/26	2/26/75				2/26/75		
HB 490	3/4/75	3/17, 3/19	3/19/75	Without Recommendation					
HB 514	2/15/75	2/26, 3/5	3/5/75				3/5/75		
HB 551	3/4/75	3/10, 3/12	3/12/75				3/12/75		
HB 562	2/26/75	3/21/75	3/21/75				3/21/75		

(Use Separate Sheet for Senate, House Bills, and Resolutions)

Roger Briggs, of Cenex in Laurel, appeared in opposition to this bill. (See attached testimony.)

Joe McCarthy, of the Anaconda Company, appeared in opposition to HB 427. Time is not the qualification for licensing. This bill does not insure a man that he will get the proper training. This will eliminate the advantage of any Vo-tech training, because they would still have to go through a three or five year program before he could work.

Jim Burk appeared not in opposition to the crane license with tonage, but he did oppose the licensing of material crane operators.

John Ball, Operating Engineers Local 400 - Dist. #3, submitted a prepared testimony in support of this bill.

Representative Kimble, in closing, stated that this would not affect the Vo-tech training because training is always a step to experience in any field. OSHA does not cover the employee only the checking of equipment.

Discussion was then held by the committee.

CONSIDERATION OF HOUSE BILL 443: An act providing for procedures to insure payment of standard prevailing rates of wages under public works contracts; providing for public posting of a statement of wages; and providing for nonpayment.

Representative Kimble, sponsor of the bill, appeared before the committee to introduce this bill. This bill is referred to as the "Little Davis Bacon Act". Section 1 has the addition of new language on page 1, lines 19 and 20. This bill has three new subsections. 1) states that the Montana Commissioner of Labor has the responsibility of maintaining the records. 2) states that the contractor, or employer must post all wages to be paid. 3) This is the penalty fine of \$25 that will be paid to a worker who has been paid by a contractor or employer less than the standard prevailing wage. This does not prevent the individual person from taking action against the employer.

Bill Potts, appeared in place of Jim Murry, of the AFL-CIO, to voice support in HB 443. This bill insures the payment of prevailing wage.

Tony Softich, Administrator of the Labor Standards Division, appeared in support of this bill. (See attached testimony.)

Vince Bosh, of the AFL-CIO, appeared in support of this bill. This is an attempt to clarify in law the legislative intention the prevailing wages will be paid. (See attached testimony.) Mr. Bosh also provided literature on this same law in other states. (See attached.)

Larry Huss, of the Montana Contractors Association, appeared to propose amendments to the bill. These amendments will clarify the determination of the wage base. (See attached amendments.)

John Huml, of the Montana Business Council, appeared to introduce a copy of of an audit on the construction trades trust funds. (see attached audit report.)

CONSIDERATION OF HOUSE BILL 408: An act relating to inspection and operation of steam boilers and steam machinery; the licensing of engineers for steam boilers and steam machinery.

Representative Johnson, sponsor of the bill, appeared before the committee to introduce HB 408. Section 1 removes out-dated language. Section 2 is the qualifications for a state boiler inspector because it is difficult to hire boiler inspectors. Section 3 through section 6 is merely house cleaning language. Section 7 is civil penalties changing from misdemeanor to civil penalties administered by the Director. Section 8 is the same except for the addition of being retested if he had not worked for five years. Section 9 change the age from 21 to 18 to conform with the law. Section 10 is the need for new license covering steam machinery. Section 11 is housekeeping and language change. Section 12 and 13 is housekeeping and language change. Section 14 and 15 change the length of time for hearings on a rejected license applicant. Section 16 is language change and new language concerning hot water boilers that require attendance by a licensed engineer. Section 18 and 19 is language change and house keeping. Section 20 is for licensing of low-pressure boilers. Representative Johnson submitted a petition for the passage of HB 408. (See attached petition.)

Russell L. Myers, of local union no. 927 of Anaconda, appeared to amend HB 408. (See attached amendments.) Mr. Myers stated that they were in favor of the bill but it should be amended.

Bill Potts, Executive Board member of the AFL-CIO and Safety Representative of the Missoula County Trades and Labor Council, appeared in support of this bill. (See attached testimony.)

Don Judge, of AFSCME, AFL-CIO, appeared in support of this bill. Mr. Judge stated that they represent the school districts and they don't feel they are adequately trained in this. This will require the checking of the boilers at the beginning and the end of the shift. It is important to regulate safety for public schools.

Louie O'Brien, of Local 2581 of Libby, Montana, rose in support of HB 408.

Kenneth Cain, rose in support of House Bill 408.

Larry Huss, of the Montana Contractors Association, appeared to amend HB 408. These amendments deal simply with the licensing portion of the bill. They make a test for competence available. All those who can prove themselves competent should be able to try for the job.

George Kirk, Exxon Company, appeared in opposition to this bill. (See attached testimony.)

DISPOSITION OF HOUSE BILL 408: Senator Smith moved to adopt the amendments. (See standing committee report.) Motion carried with Senator's Lee, Mehrens and Norman opposed. Senator Smith then moved that HB 408 AND AS SO AMENDED, BE CONCURRED IN. Motion carried with Senator Etchart opposed.

DISPOSITION OF HOUSE BILL 427: Senator Etchart moved to adopt the amendments proposed by Mr. Huss. (See standing committee report for amendments number 2 & 3.) Motion carried with Senator's Lee, Mehrens, and Norman opposed. Senator Etchart then moved to adopt the amendments on "log loading equipment" motion carried unanimously. (See standing committee report amendment number 1.) Senator Smith moved that HB 427 AND AS SO AMENDED, BE CONCURRED IN. Motion carried with Senator's Etchart, Olson and Blaylock opposed.

DISPOSITION OF HOUSE BILL 443: Senator Mehrens moved to adopt the amendments. (See standing committee report.) Motion carried unanimously. Senator Norman moved that HB 443 AND AS SO AMENDED, BE CONCURRED IN. Motion carried with Senator Etchart opposed.

DISPOSITION OF HOUSE BILL 444: Senator Etchart moved that the amendment proposed by Bill Romine be adopted. Senator Etchart withdrew his motion and made a substitute motion that HB 444 BE NOT CONCURRED IN. Motion carried with Senator's Lee, Mehrens, and Norman opposed.

DISPOSITION OF HOUSE BILL 656: Senator Mehrens moved to adopt the amendments. (See standing committee report) and that HB 656 AND AS SO AMENDED, BE CONCURRED IN. Motion carried unanimously.

DISPOSITION OF HOUSE BILL 676: Senator Etchart moved that HB 676 BE NOT CONCURRED IN. Motion failed. Senator Mehrens moved that HB 676 BE CONCURRED IN. Motion carried with Senator's Olson, Etchart, and Hazelbaker opposed.

FURTHER CONSIDERATION OF HOUSE BILL 427: With HB 444 BEING NOT CONCURRED IN, Senator Etchart moved to reconsider the action on HB 427 motion carried unanimously. Senator Etchart then moved that the amendment on "air compressors" be adopted into HB 427. (See standing committee report.) Motion carried unanimously.

DISPOSITION OF HOUSE BILL 490: Senator Smith moved that HB 490 BE CONCURRED IN. Vote was tied HB 490 passed out of committee WITHOUT RECOMMENDATION.

DISPOSITION OF HOUSE BILL 691: Senator Olson moved that HB 691 BE NOT CONCURRED IN. Motion failed with Senator's Norman, Mehrens, Smith, and Lee opposed. Senator Smith then moved that HB 691 BE CONCURRED IN. Motion carried with Senator's Etchart, Olson, and Hazelbaker opposed. Chairman Lee extended the courtesy of voting on these bills to Senator Blaylock who was excused from the meeting. Chairman Lee also stated that Senator Blaylock's vote on this would determine if the bill would be sent out with recommendation or not.

DISPOSITION OF HOUSE BILL 362: Senator Smith moved that HB 362 BE CONCURRED IN. Motion carried with Senator's Etchart, Olson, and Hazelbaker opposed.

STANDING COMMITTEE REPORT

March 19, 1975

MR. PRESIDENT

We, your committee on LABOR AND EMPLOYMENT RELATIONS

having had under consideration HOUSE Bill No. 443

Respectfully report as follows: That HOUSE Bill No. 443, third reading copy, be amended as follows:

1. Amend title, line 10.
Following: "NONPAYMENT"
Insert: ", and providing an immediate effective date"
2. Amend page 5, section 1, line 1.
Following: "Title."
Insert: "(4) The provisions of this act do not apply in those instances where the standard prevailing rate of wages is determined pursuant to federal law.

(5) In no instances where this act is applicable shall the standard prevailing rate of wage be determined to be greater than the applicable rate of wage in the area for the particular work in question as negotiated under existing and current collective bargaining agreements.

Section 2. This act is effective on its passage and approval.

~~SENATE~~

AND AS SO AMENDED, BE CONCURRED IN

LABOR & EMPLOYMENT RELATIONS COMMITTEE

44th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
✓ 583	Provide for establishment of 16 hour work days for employees of regular county road and bridge depts.	2/3	Aageson Sivertsen	Referred to Local Govt.		2/12
✓ 457	submission of negotiated settlement to leg. may meet gov't requirement in good faith	2/5	Gilligan Johnson	Referred to State Admin.		2/19
611 ✓ FN	Increase public employer's contribution to insurance for public employees to \$22/mo. and provide funding.	2/5	Johnson	2/19 2/25	AS AMENDED DO PASS	2/25
612	Allow union shop agreements between public employers and employees.	2/5	Johnson Kemmis	2/21	DO PASS	2/21
443	Insure pymt of standard prevailing rates of wages under public works contract; public posting of stmt of wages; and penalties	2/6	Kimble Mular	2/14 2/19	DO PASS AS AMENDED	2/19
450	Relate to labor relations and practices, enact the Montana State Labor Relations Act.	2/6	Johnson Palmer	2/24	AS AMENDED DO PASS	2/24

**MINUTES OF THE MEETING
LABOR AND EMPLOYMENT RELATIONS
HOUSE OF REPRESENTATIVES
February 14, 1975**

A meeting of the Labor and Employment Relations Committee was held on Friday, February 14, 1975, at 10:30 a.m. in Room 431 of the Capitol Building. Chairman Gary Kimble presided with all members present.

The following bills were heard in this order:

SB 129
HB 428
HB 443
HB 444
HB 630

SB 129--SPONSOR: Senator Thomas E. Towe, district 34, said this bill would provide insurance for firemen during off-duty hours, all of which would be absorbed by the compensation fund. He said total benefits would amount to \$71,645 or .451 percent of the salary. Al Sampson, Firefighters Association, supported the bill as per Exhibit I.

HB 443

428--SPONSOR: Rep. Gary Kimble, district 94, said these bills would provide proceeds to insure payment of standard, prevailing wages under public contracts for nonpayment. Kimble noted that these are duplicate bills. Proponent Jim Murry, AFL-CIO, said that a worker should be paid a fair wage for his work, private or public, and that this bill would only clarify that point (Exhibit II). Tony Softich, Administrator of Labor Standards Division, referred to this bill as the Davis-Bacon Act, and requested an amendment to make it effective upon approval (Exhibit III). Vince Bosh, AFL-CIO, Great Falls, said that this was an attempt to clarify the law so that the prevailing wage in an area would be paid to the craftsman working on public sector construction projects. The present laws are too vague to enforce (Exhibit IV). Sid Smith, Department of Labor and Industry, said he would rather workers go to the proper authority than go to court. John Hamrell, Building and Construction Trades Council, said that due to lack of authority, workers have not been able to collect benefits (Exhibit V). George W. Kokoruda, Montana Council of Carpenters, said this would be a safeguard for Montana workers.

Opponent William Scribner, Montana Contractors Association and Construction Industry Council, said that their associations would be the ones affected by this bill. He said this would take away collective bargaining and encourage litigation presently done through government provision under the National Labor Relations Act. He said that state interference with wage rates would conflict with the entire labor movement, and that this is a misguided attempt to gain government partnership. He said this price fixing procedure may become more eminent among employers. He felt that the amendment should include a section for collective bargaining, and that the commissioner of labor should decide wages rather than the legislature.

Opponent Dan Misner, League of Cities, felt that this discretion should be left to local government, and requested an amendment on page 2, line 8, following "that", and inserting "units of local government", to exempt them from the bill. Richard Thomas, Great Falls, Don Kerns, Helena, and Dean Sinnecker, Ass'n. of Counties, all agreed with the amendment.

In closing, Johnson said he would consider the amendment proposed by the opposition, but asked what was more important, health care or a lower tax base. He said he would concur with collective bargaining, if it worked, but as of yet, nothing has come out of it. One basic reason for this is that cities take the money received from revenue sharing, and spend it on bricks, building maintenance and material needs, and expect the employees of the city to budget the balance from their salaries. This bill would address itself to one failure of local government.

HB 238--SPONSOR: Bob Harper, district 88, said this bill would raise the annual percentage increase of wages from 18 to 20. Proponent Al Sampson, MT Firemen's Assn., requested to table action on this bill, for the time being.

Opponent Richard Thomas, Great Falls, said the impact from the bill on the city would be \$86,000. He did not feel it was right for the state to impose cities to pay benefits that the city would have to finance. Dan Misner, MT League of Cities, agreed.

There being no further testimony, the committee went into executive discussion.

HB 238--ELLERD MOVED TO TABLE HB 238 INDEFINITELY, SECONDED BY BABCOCK. MOTION CARRIED UNANIMOUSLY.

HB 443--JOHNSON MOVED HB 443 AS AMENDED DO PASS, SECONDED BY KELLY. The amendments would include changing the word "workmen" to "workers". MOTION CARRIED WITH ALL IN FAVOR EXCEPT BABCOCK AND ELLERD OPPOSED.

HB 428--BAETH MOVED TO TABLE HB 428 INDEFINITELY, SECONDED BY JOHNSON. MOTION CARRIED UNANIMOUSLY.

SB 129--FEDERICO MOVED THAT SB 129 BE CONCURRED IN, SECONDED BY BAETH. MOTION CARRIED UNANIMOUSLY.

HB 630--JOHNSON MOVED HB 630 DO NOT PASS, SECONDED BY McFADDEN. Federico said that he had some amendments, but would like more time to concur with the sponsor of the bill. The committee requested that this be placed in a subcommittee with Reps. Travis, Federico, and Sivertsen as members.

HB 238--GUTHRIE MOVED TO TABLE HB 238 INDEFINITELY, SECONDED BY ELLIS. MOTION CARRIED UNANIMOUSLY.

HB 525--Johnson requested more time as he recognized some problems in the bill, and was drafting amendments to clear this up.

HOUSE BILL NO. 443

INTRODUCED BY KIMBLE, MULAR, LUEBECK, BRAND, GILLIGAN,
JOHNSON

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
41-701, R.C.M. 1947; PROVIDING FOR PROCEDURES FOR COMPLIANCE
WITH SECTION 41-701, PROVIDING PROCEDURES TO INSURE PAYMENT
OF STANDARD PREVAILING RATES OF WAGES UNDER PUBLIC WORKS
CONTRACTS; PROVIDING FOR PUBLIC POSTING OF A STATEMENT OF
WAGES; AND PROVIDING PENALTIES FOR NONPAYMENT; AND PROVIDING
AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-701, R.C.M. 1947, is amended to
read as follows:

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works--wage scale--not to conflict with federal statutes. In
all contracts hereafter let for state, county, municipal,
school, heavy highway or municipal construction, services,
repair and maintenance work ~~or---private---construction~~
~~undertaken--in--any--way--with--public--funds~~ under any of the
laws of this state there shall be inserted in each of said
contracts a provision by which the contractor must give
preference to the employment of bona fide Montana residents
in the performance of said work, and that the said

contractor must further pay the standard prevailing rate of
wages including fringe benefits for health and welfare and
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effect and applicable to the county or locality in which the
work is being performed. "Standard prevailing rate of wages
including fringe benefits for health and welfare and pension
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allowance provisions which are paid in the county or
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character performed in that county or locality by each
craft, classification or type of ~~workman~~ WORKER needed to
complete a contract under this act. When work of a similar
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the standard prevailing rate of wages including fringe
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and travel allowance provisions shall be those rates
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the county or locality for each craft, classification or
type of ~~workman~~ WORKER needed to complete the contract. No
contract shall be let to any person, firm, association or
corporation refusing to execute an agreement with the
above-mentioned provisions in it; provided that, in

REFERENCE BILL

contracts involving the expenditure of federal aid funds this act shall not be enforced in such a manner as to conflict with or be contrary to the federal statutes prescribing a labor preference to honorably discharged soldiers, sailors and marines, and prohibiting as unlawful any other preference or discrimination among citizens of the United States. All public works contracts under this act shall be approved in writing by the legal adviser of the contracting state, county, municipal corporation, school district, assessment district or special improvement district body or officer prior to execution by the contracting public officer or officers. ~~The---Montana commissioner--of--labor-and-industry--shall--undertake--to--keep and--maintain--copies--of--collective--bargaining--agreements--and other--information--from--which--rates--and--jurisdictional--areas applicable--to--public--works--contracts--under--this--act--may--be ascertained.~~ Whenever the employer is not signatory party to a collective bargaining agreement, those moneys designated as negotiated fringe benefits shall be paid to the employee as wages.

(1) The Montana commissioner of labor may determine the standard prevailing rate of wages in the county or locality in which the contract is to be performed. The commissioner shall undertake to keep and maintain copies of collective bargaining agreements and other information from

which rates and jurisdictional areas applicable to public works contracts under this act may be ascertained.

(2) Contractors, subcontractors, and employers who are performing work or providing services under public works contracts as provided in this act shall post in a prominent and accessible site on the project or work area, not later than the first day of work, a legible statement of all wages to be paid to the employees employed on such site or work area.

(3) Any contractor, subcontractor or employer who shall pay his-workmen WORKERS or employees at less than the standard prevailing wage as established under the public works contract shall forfeit to the contracting agency the sum of twenty-five dollars (\$25) a day for each workman WORKER so underpaid. Whenever it shall appear to the contracting agency or to the Montana commissioner of labor that there are insufficient monies due to the contractor or the employer under the terms of the contract to cover such penalties, the Montana commissioner of labor may within ninety (90) days after the filing of notice of completion of the project and its acceptance by the contracting agency, maintain an action in district court to recover all such penalties and forfeitures due. Nothing in this section shall prevent the individual workman WORKER who has been underpaid from maintaining an action for recovery of the

1 wages due him under the contract as provided in chapter 13
2 of this Title.

3 (4) THE PROVISIONS OF THIS ACT DO NOT APPLY IN THOSE
4 INSTANCES WHERE THE STANDARD PREVAILING RATE OF WAGES IS
5 DETERMINED PURSUANT TO FEDERAL LAW.

6 (5) IN NO INSTANCES WHERE THIS ACT IS APPLICABLE SHALL
7 THE STANDARD PREVAILING RATE OF WAGE BE DETERMINED TO BE
8 GREATER THAN THE APPLICABLE RATE OF WAGE IN THE AREA FOR THE
9 PARTICULAR WORK IN QUESTION AS NEGOTIATED UNDER EXISTING AND
10 CURRENT COLLECTIVE BARGAINING AGREEMENTS."

11 SECTION 2. THIS ACT IS EFFECTIVE ON ITS PASSAGE AND
12 APPROVAL.

-End-